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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,004	02/18/2004	Gregory R. Hauler	LAC03 P324	2406

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,004	Applicant(s) HAULER, GREGORY R.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-51 is/are allowed.
- 6) ☒ Claim(s) 1,8-15,21-23 and 26 is/are rejected.
- 7) ☒ Claim(s) 2-7,16-20,24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8, 11, 12, 13, 15, 16, 18, 19, 20, 21, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kintsler (cited by Applicant).

The ring-shaped flange member is shown at 96, the wheel cladding is shown at 78, and a portion or lip 94 of the flange is located within the groove 92 on the rim of the wheel as shown in figure 6.

The limitation that the ring-shaped flange member being formed separately from the wheel is considered to be a method limitation and can be given no patentable weight in the product claim.

3. Claims 1, 2, 12, 15, 16, 18, 19, 21, 23, 24, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanghetti (cited by Applicant)

As shown in figure 4, the cladding has a ring-shaped flange at it outer edge and a lip 9, 15 which extends into the groove in the rim. The rim and the cladding each have an outer curved surface.

The limitation that the ring-shaped flange member being formed separately from the wheel is considered to be a method limitation and can be given no patentable weight in the product claim.

4. Claims 1, 8, 9, 10, 11, 12, 15, 18, 19, 21, 22, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heck et al (cited by Applicant).

As shown in figure 3, the flange is considered to be the unlabelled radially outwardly extending portion of the rim flange around which the cladding extends. The cladding has an annular lip 70 which engages the curved surface and creates a positive lock.

The limitation that the ring-shaped flange member being formed separately from the wheel is considered to be a method limitation and can be given no patentable weight in the product claim.

5. Claims 1, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 23, 24, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Eikhoff '843 (cited by Applicant).

The outer edge 18 of the rim is the flange member and the cladding wraps around the flange. The annular lip 64 engages the shoulder 62 and provides a positive lock between the flange the cladding.

The limitation that the ring-shaped flange member being formed separately from the wheel is considered to be a method limitation and can be given no patentable weight in the product claim.

6. Claims 1, 8, 9, 15, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Plotkin (newly cited).

Plotkin discloses a ring-shaped flange member 20, a cladding 9 having a central portion and an outer periphery, and the cladding being coupled to the flange member

through a circumferentially extending channel in which a curved outer surface of the flange is wrapped by a lip on the cladding to positively lock the flange in the lip. See figures 2, 3, 4, and 8.

Allowable Subject Matter

7. Claims 27-51 are allowable over the prior art of record.
8. Claims 2-7, 16-20, 24, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 have been considered but are not found to be persuasive.

The method limitation added to the product claims is given no patentable weight, and the previously applied rejection has been maintained.

The rejection over the newly cited Plotkin patent was necessitated by the amendment to claims 1 and 15, which raised the possibility that a separate, discreet, ring-shaped flanged member may be later be claimed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lyon '233 and Lyon '277 are cited to show other wheel and cladding assemblies in which a separate ring-shaped flange member is present.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

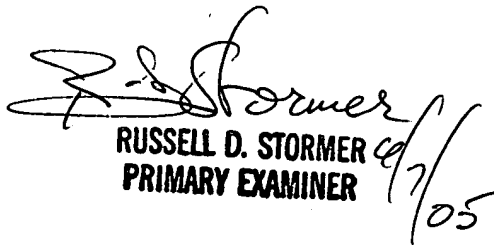
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/7/05


RUSSELL D. STORMER
PRIMARY EXAMINER 6/7/05